

#3

DECLARATION FOR PATENT APPLICATION

☒ Original

☐ Supplemental

☐ Substitute

☐ PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Prosthesis and Methods of Inducing Bony Ingrowth Using Ultrasound Therapy

(Title of the Invention)

the specification of which (check one)

☐ is attached hereto

☒ was filed on 12 November 1999 as PCT/US99/26265

and was amended on 15 January 2001 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified, by checking the box below, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Applications | | | Priority Claimed | | Copy Attached | |
|----------------------------|---------|-------------------------------------|------------------|----|---------------|----|
| Application Number | Country | Foreign Filing Date (MM/DD/YYYY) | YES | NO | YES | NO |
| | | | | | | |
| | | | | | | |
| | | | | | | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below and claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Filed: 19 April 2001

Inventors: Roger J. Talish and Alan A. Winder

For: "Prosthesis and Methods of Inducing Bony Ingrowth Using Ultrasound Therapy"

Declaration for Patent Application

Page 2

| Parent Application Number | Filing Date | Status (Mark Appropriate Column Below) | | |
|---------------------------|---------------------------------|---|---------|-----------|
| | | Patented | Pending | Abandoned |
| 60/108,235 | 11/13/98 (November 13, 1998) | | | x |
| | | | | |

As a named inventor, I hereby revoke all prior powers and appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

FIRM NAME: KILPATRICK STOCKTON LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530

| Attorney and/or Agent | Registration No. |
|------------------------|------------------|
| Roger T. Frost | 22,176 |
| Charles Y. Lackey | 22,707 |
| Anthony B. Askew | 24,154 |
| John M. Harrington | 25,592 |
| Robert E. Richards | 29,105 |
| Donald R. Andersen | 28,280 |
| John S. Pratt | 29,476 |
| A Jose Cortina | 29,733 |
| James L. Ewing, IV | 30,630 |
| Stephen M. Schaetzel | 31,418 |
| James Dean Johnson | 31,771 |
| Charles W. Calkins | 31,814 |
| Larry A. Roberts | 31,871 |
| Jamie L. Greene | 32,467 |
| George T. Marcou | 33,014 |
| Bernard J. Graves, Jr. | 33,239 |
| Dean W. Russell | 33,452 |
| Richard T. Peterson | 35,320 |
| Charles T. Simmons | 35,359 |
| Tracy W. Druce | 35,493 |
| Eleanor M. Musick | 35,623 |
| Nora M. Tocups | 35,717 |
| Bruce D. Gray | 35,799 |
| Theodore R. Harper | 35,890 |
| Geoff L. Sutcliffe | 36,348 |
| Stephen B. Parker | 36,631 |
| Pat Winston Kennedy | 36,970 |
| Leona G. Young | 37,266 |
| David P. Lecroy | 37,869 |
| Suzanne Seavello Shope | 37,933 |
| Mitchell G. Stockwell | 39,389 |
| Jeffery B. Arnold | 39,540 |
| Suil Kang | 39,723 |

| Attorney and/or Agent | Registration No. |
|------------------------|------------------|
| Yoncha L. Kundupoglu | 41,130 |
| Scott Zimmerman | 41,390 |
| Kimberly J. Prior | 41,483 |
| Alana G. Kriegsman | 41,747 |
| Theodore M. Green | 41,801 |
| J. Steven Gardner | 41,772 |
| Joni Stutman | 42,173 |
| James J. Bindseil | 42,326 |
| Heather D. Carmichael | 42,389 |
| John K. McDonald | 42,860 |
| Sima Singadia Kulkarni | 43,732 |
| Camilla Camp Williams | 43,992 |
| Christopher J. Chan | 44,070 |
| Li K. Wang | 44,393 |
| John William Ball, Jr. | 44,433 |
| Dawn-Marie Bey | 44,442 |
| Tiep H. Nguyen | 44,465 |
| John M. Briski | 44,562 |
| Michael J. Dimino | 44,657 |
| Kristin L. Johnson | 44,807 |
| J. Jason Link | 44,874 |
| Paul E. Knowlton | 44,842 |
| Bambi F. Walters | 45,197 |
| Cheryl L. Huseman | 45,392 |
| Shelby B. Grier | 45,785 |
| Jennifer R. Seng | 45,851 |
| Vaibhav P. Kadaba | 45,865 |
| Greg Moldafsky | 46,514 |
| J. Michael Boggs | 46,563 |
| Michael K. Dixon | 46,665 |
| Kyle M. Globerman | 46,730 |
| Tywanda L. Harris | 46,758 |
| Kristin D. Mallatt | 46,895 |

Filed: 19 April 2001

Inventors: Roger J. Talish and Alan A. Winder

For: "Prosthesis and Methods of Inducing Bony Ingrowth Using Ultrasound Therapy"

Declaration for Patent Application

Page 3

| Attorney and/or Agent | Registration No. |
|-----------------------|------------------|
| Mary Anthony Merchant | 39,771 |
| Brenda Ozaki Holmes | 40,339 |
| Lisa J. Moyles | 40,737 |
| Michael J. Turton | 40,852 |

| Attorney and/or Agent | Registration No. |
|-----------------------|------------------|
| Cynthia B. Rothschild | 47,040 |
| John C. Alemanni | 47,384 |
| Geoffrey K. Gavin | 47,591 |
| Janina Malone | 47,768 |
| Robert M. Stevens | 47,972 |

I acknowledge the above-listed attorneys and agents and their firm Kilpatrick Stockton LLP represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually. I further acknowledge I have not established, nor will I seek to establish, any personal attorney/client relationship with Kilpatrick Stockton LLP in connection with this application and understand that, should I require legal representation, I will obtain such, at my expense, other than through Kilpatrick Stockton LLP.

Send Correspondence to: John S. Pratt, Esq.
Kilpatrick Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530

Customer No. 23370



23370

PATENT TRADEMARK OFFICE

Direct telephone calls to: Bruce D. Gray, Esq. (404) 815-6218

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00 Full name of first inventor Roger J. TALISH

Inventor's signature [Signature] Date x 5/23/01

Residence 5 Harman Court, Hillsborough, New Jersey 08854 NJ

Citizenship U.S.

Post Office Address Same as above

2-00 Full name of second inventor Alan A. WINDER

Inventor's signature x [Signature] Date x 5/23/01

Residence 56 Patrick Road, Westport, Connecticut 06880 CT

Citizenship U.S.

Post Office Address Same as above